

CLOSED

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:13-cv-00948-ENV-MDG**

Main Street Legal Services, Inc. v. National Security Council
Assigned to: Judge Eric N. Vitaliano
Referred to: Magistrate Judge Marilyn D. Go
Cause: 05:552 Freedom of Information Act

Date Filed: 02/21/2013
Date Terminated: 08/07/2013
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Main Street Legal Services, Inc.

represented by **Ramzi Kassem**
Main Street Legal Services, Inc.
Cuny School Of Law
2 Court Square
Long Island City, NY 11101
718-340-4558
Fax: 718-340-4478
Email: ramzi.kassem@law.cuny.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas Craig Cox
CUNY School of Law
2 Court Square
Long Island City, NY 11101
718-340-4241
Fax: 718-340-4276
Email: douglas.cox@law.cuny.edu
ATTORNEY TO BE NOTICED

V.

Defendant

National Security Council

represented by **Amy Powell**
DOJ/Civil/Federal Programs
20 Massachusetts Ave Nw
Washington, DC 20001
202-514-9836
Fax: 202-616-8517
Email: amy.powell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Judson O. Littleton
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave Nw
Washington, DC 20001
202-305-8714
Fax: 202-616-8470
Email: judson.o.littleton@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen Anne Mahoney
United States Attorneys Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-1820

(718)254-6026

Fax: (718)254-6081

Email: Kathleen.Mahoney@usdoj.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/21/2013	<u>1</u>	COMPLAINT against National Security Council Disclosure Statement on Civil Cover Sheet completed –no., filed by Main Street Legal Services, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet) (Sica, Michele) (Entered: 02/22/2013)
02/21/2013		FILING FEE: \$ 350, receipt number 4653055338 (Sica, Michele) (Entered: 02/22/2013)
02/21/2013	<u>2</u>	Summons Issued as to National Security Council. (Sica, Michele) (Entered: 02/22/2013)
02/22/2013	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Sica, Michele) (Entered: 02/22/2013)
03/14/2013	<u>4</u>	CERTIFICATE OF SERVICE by Main Street Legal Services, Inc. re <u>2</u> Summons Issued <i>February 21, 2013</i> (Kassem, Ramzi) (Entered: 03/14/2013)
03/18/2013		Incorrect Filing(s): ATTORNEY RAMZI KASSEM, As indicated on screen when filing, the correct event for filing proof of service of a Summons and Complaint is Summons Returned Executed, or Summons Returned Executed as to USA. Please use the appropriate event to re-file your documents. (Abdallah, Fida) (Entered: 03/18/2013)
03/19/2013	<u>5</u>	SUMMONS Returned Executed by Main Street Legal Services, Inc.. Main Street Legal Services, Inc. served on 2/25/2013, answer due 3/18/2013. (Kassem, Ramzi) (Entered: 03/19/2013)
03/25/2013	<u>6</u>	ORDER: The docket sheet indicates that the plaintiff has filed return of service on the defendant and the time for answering has expired. Plaintiff must by April 15, 2013, either (1) move for entry of default and, if appropriate, for default judgment or (2) file a status report. If plaintiff moves for entry of default or default judgment, plaintiff must file the motion electronically and comply with the requirements of Local Rules 55.1 and 55.2. If plaintiff has been communicating with defendant and feels a conference would be useful, plaintiff should promptly call chambers to schedule an initial or settlement conference. Ordered by Magistrate Judge Marilyn D. Go on 3/25/2013. (Abdallah, Fida) (Entered: 03/25/2013)
03/27/2013	<u>7</u>	Letter MOTION for pre motion conference by National Security Council. (Littleton, Judson) (Entered: 03/27/2013)
04/03/2013	<u>8</u>	RESPONSE to Motion re <u>7</u> Letter MOTION for pre motion conference filed by Main Street Legal Services, Inc.. (Kassem, Ramzi) (Entered: 04/03/2013)
04/04/2013		ORDER denying <u>7</u> Motion for Pre Motion Conference. Defendant may submit its proposed motion to dismiss; no pre-motion conference will be held. On or before 4/11/2013, the parties shall submit via ECF a joint briefing schedule for the Court's approval. Ordered by Judge Eric N. Vitaliano on 4/4/2013. (Restrepo, Andres) (Entered: 04/04/2013)
04/11/2013	<u>9</u>	Proposed Scheduling Order (<i>Joint Proposed Briefing Schedule</i>) by National Security Council (Littleton, Judson) (Entered: 04/11/2013)

04/12/2013		ORDER re <u>9</u> Proposed Scheduling Order filed by National Security Council. The proposed briefing schedule is approved. Defendant shall serve its motion to dismiss on or before 5/10/2013; plaintiff shall serve any opposition on or before 5/24/2013; and defendant shall serve any reply on or before 6/7/2013. Defendant shall file the entire briefing bundle electronically at the time it serves its reply. Ordered by Judge Eric N. Vitaliano on 4/12/2013. (Restrepo, Andres) (Entered: 04/12/2013)
04/19/2013	<u>10</u>	NOTICE of Appearance by Kathleen Anne Mahoney on behalf of National Security Council (aty to be noticed) (Mahoney, Kathleen) (Entered: 04/19/2013)
05/10/2013	<u>11</u>	Letter re: <i>Defendant's Motion to Dismiss for Failure to State a Claim</i> by National Security Council (Littleton, Judson) (Entered: 05/10/2013)
05/24/2013	<u>12</u>	NOTICE of Appearance by Douglas Craig Cox on behalf of Main Street Legal Services, Inc. (aty to be noticed) (Cox, Douglas) (Entered: 05/24/2013)
05/24/2013	<u>13</u>	Letter <i>Plaintiff's Opposition to Defendant's Motion to Dismiss</i> by Main Street Legal Services, Inc. (Cox, Douglas) (Entered: 05/24/2013)
06/07/2013	<u>14</u>	Motion to Dismiss for Failure to State a Claim by National Security Council. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C) (Littleton, Judson) (Entered: 06/07/2013)
06/07/2013	<u>15</u>	RESPONSE in Opposition re <u>14</u> Motion to Dismiss for Failure to State a Claim filed by Main Street Legal Services, Inc.. (Littleton, Judson) (Entered: 06/07/2013)
06/07/2013	<u>16</u>	REPLY in Support re <u>14</u> Motion to Dismiss for Failure to State a Claim filed by National Security Council. (Littleton, Judson) (Entered: 06/07/2013)
06/07/2013	<u>17</u>	Letter to Court Enclosing Courtesy Copies by National Security Council (Littleton, Judson) (Entered: 06/07/2013)
06/28/2013	<u>18</u>	NOTICE of Appearance by Amy Powell on behalf of All Defendants (aty to be noticed) (Powell, Amy) (Entered: 06/28/2013)
08/07/2013	<u>19</u>	MEMORANDUM AND ORDER. The Court finds that the NSC is not an "agency" under FOIA, and is, therefore, not subject to the requirements set forth in granting that Act. Accordingly, the NSC's motion to dismiss <u>14</u> under Rule 12(b)(6) is granted and the complaint is dismissed. Ordered by Judge Eric N. Vitaliano on 8/6/2013. Forwarded for judgment. (Siegfried, Evan) (Entered: 08/07/2013)
08/07/2013	<u>20</u>	CLERK'S JUDGMENT. ORDERED and ADJUDGED that the National Security Council's motion to dismiss under Federal Rules of Civil Procedure 12(b)(6) is granted; and that the complaint is dismissed. Ordered by Clerk of Court on 8/7/2013. (Siegfried, Evan) (Entered: 08/07/2013)